

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

DANNY LOFTON, JR.,

Petitioner,

v.

CIVIL ACTION NO. 5:09-cv-00338

BUREAU OF PRISONS,

Respondent.

MEMORANDUM OPINION AND ORDER

The Court has reviewed Petitioner's *Writ For Habeas Corpus Pursuant to 28 U.S.C. 2241 Seeking Eligibility for the "Early Release" Benefit Due upon Completion of the Residential Drug Abuse Program* (Document 1). By Order (Document 2) entered on April 6, 2009, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 8, 2012, the Magistrate Judge submitted Proposed Findings and Recommendation ("PF&R") (Document 4), wherein it is recommended that this Court dismiss Petitioner's petition as moot and remove this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th

Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). Objections to the PF&R in this case were due on May 25, 2012. To date, no party has filed any objections. As noted in the PF&R, Petitioner appears to have been released from custody on July 12, 2010.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation, and **ORDERS** that Petitioner's Section 2241 Petition (Document 1) be **DISMISSED**. The Court further **ORDERS** that this matter be removed from its docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 31, 2012



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA